

GREGORY M. FOX, STATE BAR NO. 070876  
Arlene C. Helfrich, State Bar No. 096461  
Bertrand, Fox & Elliot  
The Waterfront Building - 2749 Hyde Street  
San Francisco, California 94109  
Telephone: (415) 353-0999  
FAX (415) 353-0990  
Attorneys for Defendants CITY OF OAKLAND  
and POLICE CHIEF RICHARD WORD

(List of Additional Counsel Attached)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LOCAL 10, INTERNATIONAL LONGSHORE )  
AND WAREHOUSE UNION, et al., ) File No. No. C 03-2962 TEH (JL)  
Plaintiffs, )  
vs. ) Hon. Thelton E. Henderson  
CITY OF OAKLAND; et al., )  
Defendants. )  
 ) STIPULATION AND ~~PROPOSED~~ ORDER  
 ) DISMISSING INDIVIDUAL OFFICER  
 ) DEFENDANTS WITH PREJUDICE AS TO  
 ) PLAINTIFF MARK DEGIERE ONLY

1  
2 JAMES B. CHANIN, SBN 76043  
3 JULIE M. HOUK, SBN 114968  
4 LAW OFFICES OF JAMES B. CHANIN  
5 3050 Shattuck Avenue  
Berkeley, California 94705  
Telephone: (510) 848-4752  
FAX (510) 848-5819

6 JOHN L. BURRIS, SBN 69888  
7 7677 Oakport Street, Suite 1120  
Oakland, CA 94621  
Telephone: (510) 839-5200  
8 FAX (510) 839-3882

9  
10 RACHEL LEDERMAN, SBN 130192  
NATIONAL LAWYERS GUILD and  
Law Offices of Rachel Lederman and Alexis C. Beach  
11 558 Capp Street  
San Francisco, CA 94110  
12 Telephone:(415) 282-9300  
FAX (415) 285-5066

13 ALAN L. SCHLOSSER, SBN 49957  
14 JULIA HARUMI MASS SBN 189649  
MARK SCHLOSBERG, SBN 209144  
15 AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF NORTHERN  
16 CALIFORNIA, 1663 Mission Street, Suite 460  
San Francisco, CA 94103  
Telephone: (415) 621-2493  
17 FAX (415) 255-8437

18 **Counsel for Plaintiffs Local 10 Longshore and Warehouse Union et al.**  
C03-2962 THE (JL)

19  
20 John A. Russo Esq. State Bar No. 129729  
City Attorney  
21 Randolph W. Hall, Esq. State Bar No. 080142  
Chief Asst. City Attorney  
22 Office of the City Attorney  
One Frank H. Ogawa Plaza, 6th Floor  
23 Oakland CA 94612  
Telephone: (510) 238-3601  
24 FAX (510) 238-6500

25 **Counsel for defendant CITY OF OAKLAND et al**

### **STIPULATION**

IT IS HEREBY STIPULATED by and between the parties, Plaintiff MARK DEGIERE, and the Defendants CITY OF OAKLAND, RICHARD WORD, PATRICK HAW, ROD YEE, E. POULSON, HOWARD A. JORDAN, DAVE KOZICKI, T. HOGENMILLER, E. TRACEY, R. GUTIEREZ, A. OERLEAMNS, R. HOLMGREN, P. GONZALES, S. KNIGHT, M. RANDALL, R. CHAN, R. OROZCO, G. BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M. MACK, J. KELLY, OFFICER, SOUZA, J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM, SGT. G. TOLLESON, SGT. D. CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F. UU, OFF. B. WORDEN, OFF. J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E. ROMANS and OFF. C. DELROSARIO, through their designated counsel that the above-captioned action entitled Local 10, International Longshore and Warehouse Union, et al., vs. City of Oakland, et al, and numbered C 03-2962 TEH (JL), be and hereby is dismissed with prejudice pursuant to FRCP 41(a)(1), as to all of the claims of plaintiff MARK DEGIERE ONLY, against the individual officer defendants ONLY, whose names are listed as follows:

RICHARD WORD, PATRICK HAW, ROD YEE, E. POULSON, HOWARD A. JORDAN,  
DAVE KOZICKI, T. HOGENMILLER, E. TRACEY, R. GUTIEREZ, A. OERLEAMNS, R.  
HOLMGREN, P. GONZALES, S. KNIGHT, M. RANDALL, R. CHAN, R. OROZCO, G.  
BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M. MACK, J. KELLY, OFFICER, SOUZA,  
J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM, SGT. G. TOLLESON, SGT. D.  
CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F. UU, OFF. B. WORDEN, OFF.  
J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E. ROMANS and OFF. C.  
DELROSARIO.

3 It is acknowledged that MARK DEGIERE's claims against the CITY OF OAKLAND are to  
4 be resolved pursuant to his acceptance of the CITY OF OAKLAND's offer of judgment pursuant to  
5 FRCP Rule 68 and offer of compromise pursuant to California CCP § 998 dated February 17, 2005.  
6 This dismissal with prejudice of the individual officer defendants is a condition of that offer of  
judgment and offer to compromise.

1 Dated: March 29, 2005

2 /s/ James B. Chanin

3 JAMES B. CHANIN

4 Attorney for Plaintiffs in Local 10, et al.

5 Dated: March 24, 2005

6 /s/ Gregory M. Fox

7 GREGORY M. FOX

8 Attorney for Defendants City of Oakland et al.

9 **ORDER**

10 Having reviewed the stipulation of the parties, and good cause appearing therefore

11 THIS COURT ORDERS THAT, pursuant to the parties' stipulation and the CITY OF  
12 OAKLAND's offer of judgment pursuant to FRCP Rule 68 and offer of compromise pursuant to  
13 California CCP § 998 dated February 17, 2005, and plaintiff MARK DEGIERE's acceptance thereof,  
14 Plaintiff MARK DEGIERE's action No. C -03-2962 THE (JL) shall be and hereby is dismissed with  
15 prejudice as against the following defendants ONLY: RICHARD WORD, PATRICK HAW, ROD  
16 YEE, E. POULSON, HOWARD A. JORDAN, DAVE KOZICKI, T. HOGENMILLER, E.  
17 TRACEY, R. GUTIEREZ, A. OERLEAMNS, R. HOLMGREN, P. GONZALES, S. KNIGHT, M.  
18 RANDALL, R. CHAN, R. OROZCO, G. BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M.  
19 MACK, J. KELLY, OFFICER, SOUZA, J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM,  
20 SGT. G. TOLLESON, SGT. D. CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F.  
21 UU, OFF. B. WORDEN, OFF. J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E.  
22 ROMANS and OFF. C. DELROSARIO.

23  
24 BY STIPULATION OF THE PARTIES, IT IS SO ORDERED.

25  
26 DATE

27 6/10/05

28 

THELTON E. HENDERSON

UNITED STATES DISTRICT JUDGE